

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<p><b>Name or Brief Description of Proposal</b></p>	<p>To introduce the provision of an Environmental Enforcement Service to tackle littering within the City Boundary. The service would be authorised to issue and process Fixed Penalty Notices (FPNs) (within agreed terms and conditions and meet the Code for Crown Prosecutor’s requirements) to members of the public who drop litter and cigarette ends on the ground.</p>
<p><b>Brief Service Profile (including number of customers)</b></p>	
<ul style="list-style-type: none"> <li>• The issuing of Fixed Penalty Notices would apply to any members of the public who are seen to discard litter on the ground.</li> <li>• The entire Southampton City Council Boundary will be covered for the purposes of patrolling the city.</li> <li>• It is not possible to estimate the number of people that this change would impact, as it could impact any resident or visitor of the city who is identified as discarding litter inappropriately within the Southampton City Council Boundary.</li> </ul>	
<p><b>Summary of Impact and Issues</b></p>	
<p>It is proposed that Southampton City Council will authorise East Hampshire District Council (EHDC) to provide an Environmental Enforcement Service on their behalf using the powers of delegation set out in the Local Government Act 1972. This EHDC will provide trained officers who will patrol agreed ‘hot spot’ areas within the City and issue an on the spot Fixed Penalty Notice (FPN) to any member of the public who is seen to discard litter inappropriately.</p> <p>It is proposed that each FPN will cost the offender £75.00 unless it is paid within 10 days from the issuing date of the FPN when it will be reduced to £55.00.</p> <p>The intended aims of this proposal are:</p> <ul style="list-style-type: none"> <li>• To promote a clean and tidy city and demonstrate that SCC have a zero tolerance regarding littering.</li> </ul>	

- To help create cleaner place, improve resident's feelings of safety and satisfaction relating to where they live and work and protect the environment within SCC's administration.
- To assist to change the public perception that the Council is not using the powers available to them to deal with littering.
- To deter littering across the city.

### Potential Positive Impacts

The implementation of this proposal will deter littering across the city to create a cleaner place, improve resident's feelings and satisfaction relating to where they live and work. It will promote a clean and tidy city and demonstrate that SCC have a zero tolerance regarding littering.

The proposal will also have positive environmental impacts. Cigarette butts are widely considered to be one of the most pervasive forms of plastic pollutions, and can have harmful impacts on marine environments if discarded incorrectly. Other forms of litter can also be dangerous to both wildlife and plant life.

By introducing a penalty charge for inappropriate littering, this proposal will gradually change public behaviour on how to dispose of litter.

<b>Responsible Service Manager</b>	Gavin Derrick Service Manager - Environmental Health and Community Safety
<b>Date</b>	15/01/2020
<b>Approved by Senior Manager</b>	Rosie Zambra Head of Service- Consumer Protection and Environmental Services
<b>Date</b>	15/01/2020

### Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<b>Age</b>	EHDC will not issue FPNs to offenders under the age of 18.  There is a risk that enforcement officers may not be aware of the age of the individual and issue a FPN to someone under the age of 18.	EHDC will not issue FPNs to offenders who appear to the reasonable satisfaction of the enforcement officers to be under 18.  If a Fixed Penalty Notice was issued to a person believed to be over 18 but subsequently sufficient evidence was provided indicating that the defendant is under the age of 18 then the Fixed Penalty Notice would be subject to cancellation.
<b>Disability</b>	EHDC will not issue FPNs to	EHDC will not issue FPNs

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>offenders who lack capacity to understand the offence due to mental illness, learning difficulties or other condition.</p> <p>There is a risk that enforcement officers may not be aware of all factors affecting an individual's capacity at the point of issuing an FPN.</p>	<p>to offenders who appear to the reasonable satisfaction of the enforcement officers to lack capacity to understand the offence.</p> <p>If a Fixed Penalty Notice was issued to a person who lacks capacity to understand the offence due to mental illness, learning difficulties or other condition and subsequent evidence was provided indicating this then the Fixed Penalty Notice would be subject to cancellation.</p>
<b>Gender Reassignment</b>	No impact identified	
<b>Marriage and Civil Partnership</b>	No impact identified	
<b>Pregnancy and Maternity</b>	No impact identified	
<b>Race</b>	<p>There is a risk that some people, for whom English is not a first language, may not understand the penalty.</p>	<p>EHDC will take steps to ensure that the offence is understood. This may include translation tools where appropriate.</p> <p>Consideration will be given to the issuing or cancellation of a FPN in cases where a genuine language barrier prevents understanding of the offence, on a case by case basis.</p>
<b>Religion or Belief</b>	No impact identified	
<b>Sex</b>	No impact identified	
<b>Sexual Orientation</b>	No impact identified	
<b>Community Safety</b>	<p>It is proposed that the enforcement patrols will be active across the city to ensure they respond to ongoing complaints.</p>	<p>Areas to be patrolled will be identified and agreed by both parties (EHDC and SCC). These areas will be within SCC's administrative area and will be reviewed and changed as required to respond to changing trends</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
<b>Poverty</b>	A FPN may cause or exacerbate any debt problems for an individual or family.	in offences. Personal circumstances will be taken into account when making arrangements for the payment of fines. This may include the option of payment over a longer period where appropriate.
<b>Health &amp; Wellbeing</b>	No Impact	
<b>Other Significant Impacts</b>	None identified	

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